

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Ronald Owens Whetstone, #242661

Petitioner,

v.

Richard E. Bazzle, Warden of Perry  
Correctional Institution; Henry  
McMaster, Attorney General of the  
State of South Carolina,

Respondents.

C/A No. 3:05-2543--GRA-JRM

ORDER  
(Written Opinion)

This matter is before the Court pursuant to the Petitioner's "Motion to Alter and/or Amend Judgment," filed on November 9, 2005, Petitioner's "Objections to Magistrate's Report and Recommendation," also filed on November 9, 2005, and Petitioner's "Motion to Alter or Amend Judgment," filed on November 16, 2005. Petitioner filed the above captioned action pursuant to 28 U.S.C. § 2254 on September 8, 2005. The Honorable Magistrate Judge Joseph R. McCrorey issued a Report and Recommendation, filed October 13, 2005, recommending that Petitioner's claim be dismissed for failure to exhaust state court remedies. On October 25, 2005, Petitioner filed a motion for extension of time to file objections to the magistrate's Report and Recommendation. This Court denied Petitioner's motion for extension by Order, filed October 27, 2005, for failure to show good cause. Petitioner failed to file any objections to the magistrate's Report and Recommendation by the November 2, 2005 deadline. This Court, without any objections from Petitioner, adopted the magistrate's

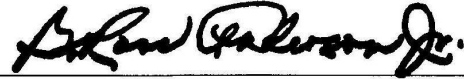
Report and Recommendation and dismissed Petitioner's claim, by Order filed November 7, 2005.

Petitioner brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

Petitioner's motion for extension of time to file objections to the magistrate's Report and Recommendation was denied by this Court, and therefore, Petitioner is not excused to file late objections. Thus, Petitioner's November 9, 2005 "Motion to Alter and/or Amend Judgment" is denied and Petitioner's "Objections to Magistrate's Report and Recommendation" are dismissed as moot. Furthermore, this Court has already reviewed the record in this case and determined that the magistrate's Report and Recommendation is based on the proper law. Therefore, Petitioner's November 16, 2005 "Motion to Alter or Amend Judgment" is denied.

IT IS THEREFORE ORDERED that Petitioner's November 9, 2005 "Motion to Alter and/or Amend Judgment" and November 16, 2005 "Motion to Alter or Amend Judgment" be DENIED, and his "Objections to Magistrate's Report and Recommendation" be DISMISSED.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

November 18, 2005.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.